

INTEL

MEMORANDUM FOR: Chief, Classification Review Division

VIA: Chief, Operations Branch

FROM: Operations BranchSUBJECT: Agency Procedure for Handling
Mandatory Review Requests

1. Section 3-501 of EO 12065 states that: "Agencies shall establish a mandatory review procedure to handle requests by a member of the public, by a government employee, or by an agency, to declassify and release information." Mandatory review requests made to the Agency ^{come} ~~originate~~ primarily from other U.S. Government agencies or from the various Presidential Libraries. The request normally consists of the individual's request to the government agency or ~~the~~ to the Presidential Library for specific, identified documents; a forwarding letter from the agency or the Presidential Library; and copies of the requested documents.

2. Mandatory review requests are received in the Information and Privacy division (IPD), OIS, DDA. IPD logs in the request, then makes a determination of which components in the Agency should review the documents. When the DO is involved the documents are always sent to FPLG; when it ^{IS NFAC} ~~the DDA~~ they are sent to NFAC FOIA officer; but within the DDS&T and the DDA itself *← this is dropped?* the documents are generally sent to the specific component that will conduct the review. Copies of the documents, each covered with a Document Review Cover Sheet, are sent out of IPD for review with the whole package under a processing cover sheet.

3. The reviews are conducted by personnel in each of the Directorates, usually a person with expertise in the subject matter. The review is made to determine whether the entire document or portions of it may be released under EO 12065. The reviewer indicates on the Document Review Cover Sheet what action he has taken and identifies which exemptions apply to denied material. Denial is identified on the documents by bracketting with a red pencil, or, of course, an entire document may be denied. If the document contains no classified material, the reviewer ^{INC} ~~is~~ responsible for crossing out any classification markings, stamping the document to reflect the action taken, and fill ^{INC} out the Document Review Cover Sheet as appropriate. The reviewer

is also responsible to ^{for} determine ^{ING} whether or not coordination with another element of the Agency is called for and, when it is, to mark the necessary information on the Document Review Cover Sheet. The reviewing component then returns the package to IPD. If further coordination with another ~~element~~ has been indicated, IPD will forward the package to that element.

4. When the classification review and any necessary coordination has been completed and the package returned to IPD, it is given to an IPD case officer who prepares the final response to the requestor. A copy of the response is also sent to the Presidential Library ^F if such was involved. Copies of the response are not sent to other U.S. Government agencies when they are involved.

5. If CRD is given the basic classification review responsibility for mandatory review requests, IPD would continue to process incoming requests as noted above but would send all of them directly to CRD for review rather than to the various directorates. CRD reviewers ~~would~~ ^{be} responsible ^{to} make ^{ING} the initial classification review and ^{ING} to coordinate with other Agency components as necessary. This could be done as it now is, by sending the material back to IPD for forwarding to the coordinating component, or CRD, which already has contacts established in the four directorates on classification matters, could coordinate directly with other components and have them either send the package directly back to IPD or back to CRD for return to IPD. CRD reviewers would also be responsible for filling out the Document Review Cover Sheet as would the reviewers in the directorates where coordination is necessary. In any case, after the classification review is completed, the package would be returned to IPD where the final act of preparing the response to the requestor would be made.

6. For an idea of the volume of work involved, the Agency has received a total of 1,949 mandatory review requests since 1972. We received 166 in 1980, 181 in 1979, 428 in 1978, and 568 in 1977. Since 1972, 1977 was the peak year and they have been dropping each year since. Of course, if changes are made in the FOIA Act it could result in people picking up the slack in the mandatory review area.